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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
THIRTY-FOURTH OMNIBUS  
OBJECTION OF USA COMMERCIAL  
MORTGAGE COMPANY TO CLAIMS  
ASSERTING SECURED STATUS**

Hearing Date: September 28, 2007  
Hearing Time: 1:30 p.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT  
YOU FILED. THIS IS NOT AN OBJECTION TO YOUR STATUS OR CLAIM AS  
A DIRECT LENDER, OR TO THE SECURITY INTEREST YOU AS A DIRECT  
LENDER HAVE IN YOUR BORROWER'S PROPERTY AS COLLATERAL.  
RATHER, IT ARGUES THAT YOUR CLAIM IS NOT SECURED BY PROPERTY  
OF THE USA COMMERCIAL MORTGAGE COMPANY BANKRUPTCY**

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1 ESTATE, WHICH DOES NOT INCLUDE THE BORROWER'S PROPERTY.  
2 THE DEADLINE TO RESPOND TO THE OBJECTION IS SEPTEMBER 11, 2007.  
3 PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO  
4 DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE  
5 AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE  
6 DIRECTED TO THE UNDERSIGNED COUNSEL.

7 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and  
8 through its counsel, has filed a Thirty-Fourth Omnibus Objection to Claims Asserting  
9 Secured Status (the "Objection"). The USACM Liquidating Trust has requested that this  
10 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the  
11 "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
12 "Bankruptcy Rules"), disallowing the secured creditor status of, in the aggregate,  
13 approximately 1,650 alleged secured claims asserting claims that total over \$310 million.

14 Specifically, the USACM Liquidating Trust does not object to these claims being  
15 Direct Lender claims. Rather, the Trust objects to the secured status asserted in the proofs  
16 of claim listed on the Exhibit A to the Objection, which is served with this Notice. The  
17 objection asserts that the listed claims are not secured by property of the USACM estate,  
18 although the loans that are the basis of the claims may be secured by property of the loan  
19 Borrowers. The Trust requests that the Court reclassify these claims as general unsecured  
20 claims (subject to additional objections). As explained in the motion, the USACM  
21 Liquidating Trust may have other objections to the claims that will be filed later.

22 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held  
23 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
24 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
25 September 28, 2007, at the hour of 1:30 p.m.  
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1 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON  
2 SEPTEMBER 28, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS  
3 CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO  
4 ARGUMENTS WILL BE HEARD ON THAT DATE.

5 NOTICE IS FURTHER GIVEN that any response to the Objection must be filed  
6 by **September 11, 2007** pursuant to Local Rule 3007(b), which states:

7 If an objection to a claim is opposed, a written response must be filed and  
8 served on the objecting party at least 5 business days before the scheduled  
9 hearing. A response is deemed sufficient if it states that written  
10 documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
12 pleading with the Court. You *must* also serve your written response on the person who  
13 sent you this notice.

14 If you do not file a written response with the Court, or if you do not serve your  
15 written response on the person who sent you this notice, then:

- 16
- 17 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
  - 18 • The Court may *rule against you* without formally calling the matter at the  
19 hearing.

20 Dated: August 22, 2007.

21 LEWIS AND ROCA LLP

22 By: /s/ RC (#6593)

23 Susan M. Freeman, AZ 4199 (*pro hac vice*)

24 Rob Charles, NV 6593

25 John C. Hinderaker, AZ 018024

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